

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 13-CR-20947-DT

RICARDO FONVILLE,

Defendant.

_____ /

ORDER TO AMEND DEFENDANT'S MOTION TO SUPPRESS

Pending before the court is Defendant's "Motion for Hearing to Suppress Evidence" filed on January 22, 2014. This court's Local Rules require the movant in any motion to seek concurrence before filing a motion and, if concurrence is not obtained, to report that a conference between attorneys was held but concurrence was not obtained, or that despite reasonable efforts the movant was unable to conduct such a conference. E.D. Mich. LR 7.1(a). The court expects compliance with both the letter and the common-sense substance of 7.1(a).

Here, the movant made no mention of any effort to seek concurrence, nor in any way explains what, if anything, was done, or how, or when. In addition, this court's Local Rules require a brief to be filed in support of any motion. No brief was included with the motion.

However, the court's staff has been informed that movant's counsel subsequently consulted with opposing counsel and determined that there would be no form of concurrence in the relief sought, and that counsel intends to simply re-file the motion. If

so done, the motion would be past the deadline, and subject to rejection for that reason.

In order to more rapidly move past the procedural and address the substantive aspect of the instant motion, and in an effort to preserve the defendant's rights, the court will not strike the motion, but rather direct counsel to amend with a statement that the concurrence requirements of Rule 7.1(a) have been met; a response to the motion will then be due from the Government, and most likely an evidentiary hearing will be set.

Therefore,

IT IS ORDERED that the above motion [Dkt. 17] shall be AMENDED not later than **February 3, 2014**, as set forth above;

IT IS FURTHER ORDERED that a response to the motion be filed not later than **February 24, 2014**, and that a hearing shall be scheduled for **March 10, 2014 at 2:00 pm**. **The Final Pretrial Conference presently scheduled for February 11, 2014 is CANCELLED.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 30, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522